

ADAMS, J.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEROLD JAMES,)	CASE NO. 1:07CV2457
)	
Petitioner,)	JUDGE JOHN R. ADAMS
)	
v.)	<u>MEMORANDUM OF OPINION</u>
MICHAEL SHEETS, Warden,)	
)	
Respondent.)	

On August 6, 2007, petitioner *pro se* Jerold James's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 was filed in the United States District Court for the Southern District of Ohio, being Case No. 2:07CV0766. The case was assigned to United States District Judge Edmund A Sargus.

James was convicted and sentenced by the Cuyahoga County, Ohio Court of Common Pleas. He is incarcerated at the Ross Correctional Institution in Chillicothe, Ross County, Ohio, which is located in the Southern District of Ohio. *See* 28 U.S.C. § 115(b).

Pursuant to 28 U.S.C. § 2241(d), "a prisoner contesting a conviction and sentence of a state court of a State which contains two or more federal judicial districts, who is confined in a district within the State other than that in which the sentencing court is located, has the option of seeking habeas corpus either in the district where he is confined or the district where the sentencing court is located." *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 497 (1973). Thus, James could properly file a § 2254 in the Southern District of Ohio under the statute's plain language.

On August 9, 2007, United States Magistrate Judge Terence P. Kemp *sua sponte* entered an Order transferring the above-entitled action to the Northern District of Ohio. *See* Doc. 3 in Case No. 2:07CV0766. The Order states summarily: “Given the nature of his claims, this case would be more appropriately pursued in the Northern District of Ohio, Eastern Division, at Cleveland. . . .” James chose to file his application in the district court for the district wherein he is in custody. The Southern District of Ohio has jurisdiction over the petitioner, his claims, and his custodian. Accordingly,

This case will be returned to the United States District Court for the Southern District of Ohio, Eastern Division, at Columbus.

IT IS SO ORDERED.

August 31, 2007

Date

/s/ John R. Adams

John R. Adams
U.S. District Judge